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5 Attorneys for Defendants  
6 *Frias Transportation Management;*  
7 *Virgin Valley Cab Company, Inc.; Ace Cab, Inc.;*  
8 *A-N.L.V. Cab Co.; Union Cab Co.; and*  
9 *Vegas-Western Cab, Inc.*

10 **UNITED STATES DISTRICT COURT**

11 **DISTRICT OF NEVADA**

12 TADIOS TESSEMA, INDIVIDUALLY, and  
13 as the former UNIT CHAIR of the FRIAS  
14 TRANSPORTATION BARGAINING  
15 UNIT, LOCAL 711A, UNITED STEEL,  
16 PAPER AND FORESTRY, RUBBER,  
17 MANUFACTURING, ENERGY, ALLIED  
18 INDUSTRIAL AND SERVICE WORKERS  
19 INTERNATIONAL UNION,

20 Plaintiff,

21 v.

22 UNITED STEEL, PAPER AND  
23 FORESTRY, RUBBER,  
24 MANUFACTURING, ENERGY, ALLIED  
25 INDUSTRIAL AND SERVICE WORKERS  
26 INTERNATIONAL UNION; LEO W.  
27 GERARD; ROBERT LaVENTURE;  
28 MANUEL ARMENTA; CHRIS  
YOUNGMARK; ACE CAB, INC.; UNION  
CAB CO.; VEGAS-WESTERN CAB, INC.;  
A-N.L.V. CAB CO.; VIRGIN VALLEY  
CAB COMPANY, INC.; FRIAS  
TRANSPORTATION MANAGEMENT,  
DOES I-X and ROES XI-XX,

Defendants.

Case No.: 2:13-cv-01782-APG-VCF

**STIPULATION AND ORDER TO EXTEND  
DISCOVERY AND DISPOSITIVE MOTION  
DEADLINES**

(Third Request)

26 The parties, by and through their respective counsel of record, hereby stipulate and agree  
27 as follows:  
28

1       1. On June 16, 2014, this Court entered its Order setting out the discovery plan and  
 2 scheduling order dates (Dkt. #74).

3       2. This is the second request by the parties to amend the Court's June 16, 2014  
 4 scheduling order.

5       3. The parties deferred significant discovery until the Court ruled on Defendants  
 6 Frias Transportation Management; Virgin Valley Cab Company, Inc.; Ace Cab, Inc.; A-N.L.V.  
 7 Cab Co.; Union Cab Co. and Vegas-Western Cab, Inc.'s (hereinafter collectively referred to as  
 8 "Frias Defendants") Partial Motion to Dismiss (Dkt. #31), Defendants United Steelworkers, Paper  
 9 and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers  
 10 International Union; Leo W. Gerard; Robert LaVenture; Manuel Armenta; and Chris  
 11 Youngmark's (hereinafter collectively referred to as "Union Defendants") Motion for Partial  
 12 Judgment on the Pleadings (Dkt. #47); and Plaintiff Tadios Tessema's (hereinafter referred to as  
 13 "Plaintiff") Motion for Expedited Declaratory Relief (Dkt. #37). The Union Defendants  
 14 propounded discovery on August 8, 2014.

15       4. On September 9, 2014, the Court conducted a hearing respecting the  
 16 aforementioned motions and entered its Order (Dkt. #77) on September 17, 2014. The Plaintiff  
 17 filed a Motion to Alter or Amend Judgment or in the Alternative Relief from Final Judgment  
 18 (Dkt. #78). Union Defendants and Frias Defendants filed their responses on November 4, 2014  
 19 (Dkts. #81 and 82, respectively). Plaintiff filed his reply (Dkt. #87) on November 18, 2014.

20       5. This extension is necessary based on counsels' schedules, the availability of  
 21 witnesses, the time needed to complete all reasonable discoveries and the opportunity to consider  
 22 the Court's ruling on the Plaintiff's Motion to Alter or Amend Judgment.

23       6. On March 26, 2015, the Court extended discovery through August 1, 2015. (Dkt.  
 24 #95).

1           7. The Court denied Plaintiff's Motion to Alter or Amend Judgment on May 29,  
 2 2015. (Dkt. #97). Since that time, the parties have discussed the possibility of resolving the  
 3 lawsuit, allowing both sides to avoid the potentially significant cost and expense of discovery.  
 4 This process was made more difficult because Plaintiff has relocated out of town, and there was a  
 5 management change at Cab Companies.  
 6

7           8. Because the parties wish to exhaust their efforts to resolve the suit without  
 8 engaging in discovery, further discovery has been deferred.  
 9

10          9. The following extension is necessary to allow the parties to complete discovery in  
 11 the event that the case is not resolved. The parties do not anticipate needing any further  
 12 extensions.  
 13

#### **PROPOSED SCHEDULE**

14          1. **Discovery**. The parties stipulate and agree that the discovery period shall be  
 15 extended four (4) months from August 1, 2015 to November 30, 2015 with all written discovery  
 16 to be propounded in time such that responses shall be due no later than November 30, 2015.  
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18          2. **Expert Disclosures**. The disclosures of experts and experts' reports shall be due  
 19 no later than October 1, 2015 which is not later than sixty (60) days before the proposed  
 20 discovery deadline. The disclosure of rebuttal experts and their reports shall be due no later than  
 21 October 30, 2015 which is not later than thirty (30) days after expert disclosures.  
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23          3. **Interim Status Report**. An interim status report shall be filed no later than  
 24 October 1, 2015 which is sixty (60) days before the proposed discovery deadline.  
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26          4. **Dispositive Motions**. The parties shall have through and including December 29,  
 27 2015 to file dispositive motions which is thirty (30) days after the proposed discovery deadline.  
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29          5. **Pretrial Order**. If no dispositive motions are filed, the Joint Pretrial Order shall  
 30 be filed January 28, 2016 which is thirty (30) days after the date set for the filing of dispositive  
 31

1 motions. In the event dispositive motions are filed, the date for filing the Joint Pretrial Order  
2 shall be suspended until thirty (30) days after decision on the dispositive motions or by further  
3 order of the Court.

4 ~~6. Amending the Pleadings and Adding Parties. The last day to file motions to  
5 amend pleadings or add parties shall be no later than October 1, 2015 which is not later than sixty  
6 (60) days before the close of discovery.~~

7 **7. Extensions or Modifications of the Discovery Plan and Scheduling Order.** LR  
8 26-4 governs modifications or extensions of this discovery plan and scheduling order. Any  
9 stipulation or motion must be made by November 9, 2015, which is twenty-one (21) days before  
10 the expiration of the subject deadline. All requests for extension shall fully comply with LR 26-4.

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1           This stipulation is sought in good faith and not for the purpose of delay. Only one prior  
2 request for an extension of scheduling deadlines has been made.

3           Dated this \_\_\_\_\_ day of July, 2015.  
4

5           LAW OFFICE OF  
6           DAN WINDER, P.C.

7           /s/ Dan M. Winder  
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11           *Attorneys for Plaintiffs*

12           JACKSON LEWIS P.C.

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17           *Attorneys for Defendants*  
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21           *Vegas-Western Cab, Inc.*

22           GILBERT & SACKMAN,  
23           A Law Corporation

24           /s/ Joshua F. Young  
25           Joshua F. Young  
26           3699 Wilshire Boulevard, Suite 1200  
27           Los Angeles, California 90010-2732

28           *Attorneys for Union Defendants*

1           The time to amend the pleadings and add parties has  
2           expired and is not extended by this Order.

3           **IT IS SO ORDERED.**

4             
5           \_\_\_\_\_  
6           JUDGE/MAGISTRATE, U.S. District Court

7           7-28-2015  
8           Dated: \_\_\_\_\_

9           4828-0424-6566, v. 1